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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,943	09/28/2005	Werner Jacob	P70864USD	4045
136 7590 11/12/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
DELSLE, ROBERTA S				
ART UNIT		PAPER NUMBER		
3677				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,943

Applicant(s)

JACOB, WERNER

Examiner

ROBERTA DELISLE

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/28/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/14/08 have been fully considered but they are not persuasive. **THIS IS A FINAL ACTION.**

2. Claim Status:

- | | | |
|----|-----------------|-------------------|
| a. | Claims 1-4, 7-9 | Currently Amended |
| b. | Claims 5-6 | Cancelled |
| c. | Claims 10-11 | New |

Regarding Applicant's Arguments:

"...configured as a polygon that includes side parts and corner areas, the first partial areas including the corner areas and opposed free end areas that adjoin the locking ring opening, and the second partial areas including middle areas of the side parts of the polygon"

Examiner disagrees. The reference of Sagady (US 4,136,982) discloses several different shapes in which the snap ring (locking ring) can be configured. Based on the definition provided below, Sagady meets the limitation of Applicant's claimed invention of polygon shape, particular in figures 4 and 6. Examiner specifically calls attention to figure 6 for the claim 1.

Further, Examiner has mapped each limitation of Applicant's invention to that in Sagady. Therefore all limitations have been anticipated by Sagady.

pol-y-gon



pol i gon Show Spelled Pronunciation [pol-ee-gon] Show IPA Pronunciation

~noun

a figure, esp. a closed plane figure, having three or more, usually straight, sides.

Cited: polygon. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc.
<http://dictionary.reference.com/browse/polygon> (accessed: November 10, 2008).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 & 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sagady (US 4,136,982).

**Regarding Claim 1, Sagady discloses:
Reference figures 1-6, for example**

(Currently Amended) A locking ring (Abstract) for axially fixing a shaft part (3) (10) in a ring part (1) (42), where the shaft part (3) (10) has an having a peripheral groove (41) (14) and the ring part (1) (42) has having an inner groove (21) (44), in which the locking ring (5) (20), comprising which has an opening in the a circumferential direction, engages in the a fixed state, characterized in that the locking ring (5) (20) has comprising first partial areas (56, 57, 51, 53) (58⁷, 66, 72, 74), that configure to engage in the inner groove (21) (44) after the upon resiliently pressing together the locking ring (5) (20), so that so that it can be placed the locking ring is placeable in the inner opening groove (21) (44) of the ring part (1), and pushing the locking ring (5) (20) into the area of the inner groove (21) (44) and releasing and expanding the locking ring (5) (20) and also has second partial areas (52, 54, 55) (52, 64, 66), that configure to project from the inner groove (21) (44) once the locking ring (5) (20) has been placed in the inner groove therein and which are resiliently pushed push outward in a phase section of

the shaft part (3) (10) which has been pushed into the an inner opening (2) of the ring part so that the safety locking ring (5) (20) can slide on the a periphery of the shaft part (3) (10) until it the locking ring reaches the area of the peripheral groove (41) (14) and the second partial areas (52, 54, 55) (52, 64, 66) resiliently snap onto into said peripheral groove, the locking ring (20) being configured as a polygon (figure 6) that includes side parts (64, 66) and corner areas (70, 72, 74), the first partial areas (58², 66, 72, 74) including the corner areas (72, 74) and opposed free end areas (52, 68) that adjoin the locking ring (20) opening (figure 5), and the second partial areas (52, 64, 66) including middle areas (64, 66) of the side parts of the polygon (figure 6).

Regarding the term "locking ring", the disclosed snap ring 20 is considered a "locking ring" as it locks 2 members together. Examiner notes that Applicant has not included any structure that would preclude such an interpretation.

Regarding Claim 2, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 1, characterized in that, wherein the first and the second partial areas are each distributed evenly over at least one of the periphery of the inner groove (21) (44) and/or and the peripheral groove (41) (14).

Regarding Claim 3, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 1, characterized in that, it has the shape of wherein the polygon is a triangle (figure 6) formed from configured as a base part (52) (66) and two of the side parts (54, 55) (52, 64) connected to the former base part, where the first partial areas are formed by the including two of the corner areas (51, 53) (72, 74) between the base part and the side parts and the free end areas (56, 57) (58T, 68) of the side parts of the triangle, and the second partial areas are formed by including the middle areas of the base part (52) (66) and the side parts (54, 55) (52, 64).

Regarding Claim 4, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 3, characterized in that wherein the side parts and the base part form triangle (figure 6) is an equilateral triangle.

Examiner notes that Sagady discloses a triangularly shaped ring but does not specifically state that it is an equilateral triangle. However, those of ordinary skill in the art would appreciate that a modification such as a mere change in shape of a prior art device is a design consideration within

the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

Regarding Claim 5, CANCELLED

Regarding Claim 7, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 1, characterized in that ~~in that~~ wherein the corner areas (51, 53) (72, 74) are rounded off in shape.

Regarding Claim 8, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 7, characterized in that ~~in that~~ wherein the rounding of the corner areas (51, 53) is adjusted to ~~the a~~ radius of ~~the a~~ base (22) (see Illustration below) of the inner groove (21) (44).

Regarding Claim 9, Sagady further discloses:

(Currently Amended) Locking The locking ring pursuant to claim 1, characterized in that, ~~it has a~~ wherein a cross section of the locking ring is circular, oval, rectangular, quadratic, or polygonal design in its material cross-section shape (shown in figures 4 & 6).

Regarding Claim 6, CANCELLED

Regarding Claim 10, Sagady further discloses:

(New) A locking ring (20) for axially securing an inserted shaft (10) having a peripheral groove (14) to an annular ring (42) having an inner groove (44), the locking ring (20) comprising:
a plurality of first partial areas (58⁷, 68, 72, 74) configured to engage the inner groove (44) of the annular ring (42), the locking ring (20) being resiliently deformable such that upon being resiliently pressed together, pushed into the inner groove (44), and released so as to expand, the locking ring (20) is placeable in the inner groove (44); and
a plurality of second partial areas (52, 64, 66) configured to project from the inner groove (44) once the locking ring (20) has been placed therein, to resiliently extend toward the inserted shaft (10) such that the locking ring (20) is slidable on a periphery of the shaft (10) until the locking ring (20) is located at the peripheral groove (44), and to resiliently snap into the peripheral groove (44) to secure the shaft (10) to the annular ring (42),

the locking ring (20) being configured as a polygon (figure 6) that includes side parts (64, 66), corner areas (72, 74), and opposed ends at an opening therein, the first partial areas (58⁷, 68, 72, 74) including the corner areas (72, 74) and the opposed ends, and the second partial areas (52, 64, 66) including middle areas (64, 66) of the side parts.

Regarding the term “locking ring”, the disclosed snap ring 20 is considered a “locking ring” as it locks 2 members together. Examiner notes that Applicant has not included any structure that would preclude such an interpretation.

Regarding Claim 11, Sagady further discloses:

(New) The locking ring according to claim 10, wherein the polygon is a triangle (figure 6)

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Victor D. Batson
Supervisory Patent Examiner
Art Unit 3677

rsd